IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

AND

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 762 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/01/2004 in WPMP.No.30067 of 2003 in WP NO : 23914 OF 2003 on the file of the High Court.)

Between:

The Executive Engineer, (PR), RWS Division, Sangareddy,
At Sadasivpet, Medak District.

..... APPELLANT

AND

1 The Authority Under Payment of Wages Act, 1936 And Asst. Commissioner of Labour, Sangareddy, Medak District.
2 Anjaiah, S/o. Mallaiah NMR Waterman, Borancha, Manoor Mandal,
Medak District, Rep. through Shaik Dada Latha Complex, Opp. New Bus Stand, Sangareddy, Medak District.

.....RESPONDENTS

Counsel for the Appellant: GP FOR PANCHAYAT RAJ & RURAL DEV.

For the Respondent No.1: GP FOR LABOUR
For the Respondent No.2: Smt.S.K.Ratna, Advocate.

The Court Made the Following :

ORAL JUDGMENT: (per GB. J.)

The Writ Appeal is filed assailing the order passed by the learned single Judge in WPMP.No.30067 of 2003 in W.P.No.23914 of 2003, dated 21.1.2004.

2. The appellant herein, who was the writ petitioner in the above Writ Petition, challenged the order of the authority under Payment of Wages Act, 1936, dated 10.9.2003. The learned single Judge while ordering interim stay, directed the writ petitioner to deposit the entire amount awarded by the 1st respondent-authority under Payment of Wages Act within a period of six weeks from the date of receipt of a copy of the order. On such deposit, the 2nd respondent-employee would be entitled to withdraw an amount of Rs.65,000/- without furnishing any security and the rest of the amount shall lie in deposit with the 1st respondent, pending disposal of the Writ Petition. The following is the text of the interim order:

> "On consideration of the circumstances of the case, there

shall be an interim stay of all further proceedings pursuant to the order dt.10.9.2003 in P.W.Case No.16 of 1996 on condition that the petitioner deposits the entirety of the amount awarded before the 1st respondent, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the 2nd respondent would be entitled to withdraw an amount of Rs.65,000/-, without furnishing any security. The rest of the amount shall lie in deposit with the 1st respondent, pending disposal of the writ petition. On failure of the petitioner to deposit the said amount before the 1st respondent within the time obtained by this Court, the stay granted herein shall stand dissolved on the expiry of the period, without further reference to this Court. Notice".

3. The learned Government Pleader for Panchayat Raj submits that the order of the learned single Judge is wholly illegal and contrary to law. He submits that directing deposit of entire amount would cause hardship to the Government and therefore he seeks appropriate modification to the above order.

4. After hearing the learned Government Pleader for Panchayat Raj, the learned Government Pleader for Labour and the learned counsel appearing for the 2nd respondent-employee, we are unable to accede to the request of the learned Government Pleader appearing for the appellant. The order of the learned single Judge is very clear and it is stated that the stay granted shall stand dissolved on the expiry of the period, without further reference to this Court. Instead of complying the order of the learned single Judge, the present appeal has been filed on 13.4.2004. In view of the interim orders passed by the learned single Judge, the stay stands dissolved on the expiry of the period, and therefore we find no ground to interfere with the same.

5. The Writ Appeal is accordingly dismissed. No costs.

(G.BIKSHAPATHY, J.)

5th July, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

One Fair copy to the Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal)

To

1 The Authority Under Payment of Wages Act, 1936 And Asst. Commissioner of Labour, Sangareddy, Medak District.
2 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court Buildings (OUT).

3 2 CCs to G.P. for Labour, High Court Buildings (OUT).

4 2 CD copies.